

The Honorable Chief Judge David G. Estudillo

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAUL D. ETIENNE, *et al.*,

Plaintiffs,

VS.

ROBERT FERGUSON, in his official capacity as Governor of the State of Washington, *et al.*,

Defendants.

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

VS.

STATE OF WASHINGTON,

Defendant.

To this Court and all parties in the above-entitled action, in light of:

1) the Court's issuance of its Order of July 18th enjoining enforcement of Senate Bill 5375 as applied to the Sacrament of Confession covering all Roman Catholic priests in Washington (*see* Order on Mot. for Prelim. Inj. at 2, 23, ECF No. 227), and

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2) the express, written assurances to this Court by Defendants Ferguson and Brown that “if the Court does rule as a preliminary matter that the mandatory reporting law may be unconstitutional as applied to these Plaintiffs, *the State will not seek to enforce the law as it applies to confession or sacred confidences shared with any clergy* while that order remains in force,” (Defs.’ Resp. to U.S. Mot. Prelim. Inj. 1-2, ECF No. 226, emphasis added; *see also id.* at 6 (“[I]f the Court grants a preliminary injunction as to the existing Plaintiffs, the State will *not seek to enforce the enjoined aspects of the law against similarly situated clergy members.*” (emphasis added))),

the United States sees the current broad non-enforcement of Senate Bill 5375 as achieving the United States's goal of its Motion for Preliminary Injunction to protect the rights of *all* Catholic priests who hear Confession from the injuries presented by Senate Bill 5375. Accordingly, the United States hereby respectfully withdraws its Motion for Preliminary Injunction without prejudice (ECF No. 138). The United States reserves its right to renew its request for preliminary injunction at a later date if circumstances change and the United States believes it is warranted to protect the interests of Catholic priests who hear Confession in the State of Washington.

Pursuant to Local Civil Rule 7(e)(6), undersigned counsel certifies that this memorandum contains 302 words, in compliance with the Civil Local Rules.

Dated this 23rd day of July, 2025.

Respectfully submitted,

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Assistant Attorney General

s/ Michael E. Gates
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Deputy Assistant Attorney General

s/ Max Lapertosa
CARRIE PAGNUCCO
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